

REMARKS

This application has been carefully reviewed in light of the Office Action dated August 24, 2010. Claims 1, 3 to 5, 7 to 9 and 11 to 15 remain pending in the application, of which Claims 1, 5 and 9 are independent. Reconsideration and further examination are respectfully requested.

Claims 1, 3 to 5, 7 to 9 and 11 to 15 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,310,942 (Bashoura) in view of U.S. Patent No. 6,618,165 (Sehgal), U.S. Patent No. 6,463,135 (Abrishami) and U.S. Patent No. 6,359,903 (Shimade). Reconsideration and withdrawal of the rejections are respectfully requested.

The present claims are generally directed to a communication apparatus that makes VoIP communication of an encoded speech signal and sends image data to an opponent station. According to the claims, a discrimination is performed as to whether or not the image data is to be sent to the opponent station through a gateway. If not, then a first image communicating procedure is selected by which the image data is not facsimile-modulated, but sent to the opponent station on an IP network on the basis of a predetermined IP communication protocol by using an IP address of the opponent station obtained from a predetermined server on the basis of a telephone number of the opponent station. If the image data is sent through the gateway, then a second image communicating procedure is selected by which the image data is facsimile-modulated by a predetermined facsimile modulating method, an analog facsimile signal obtained by the facsimile modulation is digitally encoded by the digital encoding means, and subsequently, the digital coded signal is sent to the opponent station utilizing a PCM encoding method of at least 64 kbps through the gateway for executing analog/digital signal conversion between

the IP network and a public line network. In the second image communicating procedure, the digital encoding method of the digital encoding means is switched to the digital encoding method suitable for the facsimile modulating method, and a tone signal necessary for a facsimile communication procedure or facsimile-modulated transmission image data is input to the digital encoding means.

Thus, in both cases, the IP network is used and high quality communication can be realized. That is, in the first case, high quality and high speed communication using IP communication protocol is available. IN the second case, the IP network, of which the communication quality is much higher than that of a conventional PTSN, is also used.

Referring specifically to the claims, amended independent Claim 1 is directed to a communicating apparatus for digitally encoding a speech signal by digital encoding means and sending the coded signal to an opponent station, thereby making VoIP speech communication and sending image data to the opponent station, comprising discriminating means for discriminating whether the image data is sent to the opponent station through a gateway on an opponent station side, and communication control means for, when the image data is sent to the opponent station, in accordance with a result of the discriminating means that the image data is not sent through the gateway, selecting a first image communicating procedure by which the image data is not facsimile-modulated but sent to the opponent station on an IP network on the basis of a predetermined IP communication protocol by using an IP address of the opponent station obtained from a predetermined server on the basis of a telephone number of the opponent station, and in accordance with a result of the discriminating means that the image data is sent through the gateway, selecting a second image communicating procedure by which the image data is

facsimile-modulated by a predetermined facsimile modulating method, an analog facsimile signal obtained by the facsimile modulation is digitally encoded by the digital encoding means, and subsequently, the digital coded signal is sent to the opponent station utilizing a PCM encoding method of at least 64 kbps through the gateway for executing analog/digital signal conversion between the IP network and a public line network, wherein in the second image communicating procedure, the digital encoding method of the digital encoding means is switched to the digital encoding method suitable for the facsimile modulating method, and a tone signal necessary for a facsimile communication procedure or the facsimile-modulated transmission image data is input to the digital encoding means.

Claims 5 and 9 are method and computer medium claims, respectively, that substantially correspond to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1, 5 and 9, and in particular, is not seen to disclose or to suggest at least the features of a communication apparatus that i) discriminates whether or not image data is sent to an opponent station via a gateway on an opponent station side, and ii) when the image data is sent to the opponent station, in accordance with a result of the discriminating means that the image data is not sent through the gateway, selecting a first image communicating procedure by which the image data is not facsimile-modulated but sent to the opponent station on an IP network on the basis of a predetermined IP communication protocol by using an IP address of the opponent station obtained from a predetermined server on the basis of a telephone number of the opponent station, and in accordance with a result of the discriminating means that the image data is sent through the gateway, selecting a second image communicating procedure by which the

image data is facsimile-modulated by a predetermined facsimile modulating method, an analog facsimile signal obtained by the facsimile modulation is digitally encoded by the digital encoding means, and subsequently, the digital coded signal is sent to the opponent station utilizing a PCM encoding method of at least 64 kbps through the gateway for executing analog/digital signal conversion between the IP network and a public line network, wherein in the second image communicating procedure, the digital encoding method of the digital encoding means is switched to the digital encoding method suitable for the facsimile modulating method, and a tone signal necessary for a facsimile communication procedure or the facsimile-modulated transmission image data is input to the digital encoding means.

Bashoura disclose a fax routing system that looks up the dialed telephone number to see if there is a corresponding Internet address (e.g., IP address or E-mail address). If so, the fax is downloaded and converted into a computer file (depending on whether an IP address or just an E-mail address are present) and sends the computer file via the Internet address. If no corresponding Internet address is found, then the fax is delivered via normal fax deliver on the telephone network. Thus, the system of Bashoura employs the PSTN and does not send the image data which is facsimile modulated and encoded into a digital coded signal utilizing a PCM encoding method of at least 64 kbps to a media gateway on the opponent side for executing analog/digital conversion between the IP network and the public line network. That is, Bashoura does not discriminate whether the image data is sent via a gateway on the opponent station side, and then select one of the two claimed procedures depending on the result of the discrimination.

Sehgal is merely seen to teach that an originating fax machine scans an image, dials an originating end office, which then accepts the fax image, forwards it to a gateway 106. The originating end office terminates the phone call with the originating fax 102, determines an IP address for the receiving side, and forwards it to the gateway 106, whereby the gateway 106 sends the scanned image data to the terminating gateway 112. The gateway 112 converts the received data to fax format, and then forwards the fax data to the terminating end office 114, which then dials the terminating fax machine 116 and provides the fax data to fax machine 116. If no IP address exists for the terminating side, then the fax data received by the originating office 104 is transmitted via the PSTN to terminating office 114 to be forwarded to fax machine 116. Thus, like Bashoura, Sehgal is not seen to discriminate whether the image data is sent via a gateway on the opponent station side, and then select one of the two claimed procedures depending on the result of the discrimination.

Abrishami is merely seen to disclose a fax transmission system that includes fax relay gateways on both sides of the system. Accordingly, there is no need for discriminating whether the image data is to be sent through a gateway on the opponent station side since the gateway exists on both sides. Moreover, since there is a gateway on both sides, there is no procedure corresponding to the claimed first procedure that selects the first procedure when it is discriminated that the image data is not sent through the gateway. Therefore, Abrishami is not seen to overcome the deficiencies of Bashoura and Sehgal.

Shimade is merely seen to disclose determining if sufficient bandwidth is available to transmit signals, and if so, the source and destination terminals are allowed to exchange facsimile signals at the requested speed, but if not, then the terminals are controlled to exchange signals at a speed lower than the requested speed. Shimade is not, however, seen to teach discriminating whether the image data is sent via a gateway on the opponent station side, and then select one of the two claimed procedures depending on the result of the discrimination.

Accordingly, none of Bashoura, Sehgal, Abrishami or Shimade, alone or in combination, are seen to disclose or to suggest the features of the claims, and therefore, amended independent Claims 1, 5 and 9, as well as the claims dependent therefrom, are believed to be allowable over the prior art.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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